

NEWS

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FOR IMMEDIATE RELEASE
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Chief Engineer Sentenced to Prison for Oil Pollution Cover-Up

Defendant Obstructed Coast Guard Inspection of the M/T Clipper Trojan

(More)

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NEWARK – The chief engineer of an ocean-going chemical tanker called the *M/T Clipper Trojan* was sentenced yesterday to five months in prison for his role in attempting to cover up illegal discharges of oil sludge and oil-contaminated bilge waste on board the ship, U.S. Attorney Christopher J. Christie announced.

U.S. District Chief Judge Garrett E. Brown, Jr., also ordered Fernando Magnaye, 45, of Quezon City, The Philippines, to pay a \$3,000 fine.

Magnaye, as a licensed chief engineer aboard the *M/T Clipper Trojan*, was responsible for managing engine room operations and faithfully recording any transfers or discharges of oil sludge or oil-contaminated bilge waste in the ship's oil record book. Ships are required under international and U.S. law to maintain an accurate Oil Record Book that records all discharges or transfers of oil. The Coast Guard regularly inspects ships' oil record books in determining whether to allow ships to enter U.S. ports and waters.

Magnaye pleaded guilty on February 2, 2007, to charges of presenting a false document to the Coast Guard and attempting to obstruct a Coast Guard inspection. At his plea hearing, Magnaye admitted that he knew about illegal discharges of oil sludge and contaminated bilge waste but failed to record those discharges in the *M/T Clipper Trojan's* oil record book. Magnaye admitted presenting the ship's oil record book to the Coast Guard during an inspection on June 15, 2006, in Port Newark and falsely claimed to Coast Guard inspectors that the book was accurate.

Magnaye further admitted that he asked the ship's fourth engineer to ensure that the Coast Guard would take a false reading of the contents of the ship's bilge sludge oil tank, in which oily waste is stored. Magnaye stated that he did so because an accurate reading of the tank's contents may have exposed the false entries in the oil record book.

The corporations that owned and operated the *M/T Clipper Trojan* were indicted on March 27, 2007. The eleven-count indictment alleges that Magnaye and other crew members of the *M/T Clipper Trojan* attempted to prevent the U.S. Coast Guard from learning of the illegal discharges during the Coast Guard's inspection of the ship. The corporate defendants include Clipper Wonsild Tankers A/S, a Danish company that commercially operated the *M/T Clipper Trojan*; Clipper Marine Services A/S, with offices in Denmark and Great Britain, which technically managed the ship; and Trojan Shipping Co., Ltd., a Bahamas company to which the ship was registered. The *M/T Clipper Trojan* sailed under the flag of the Bahamas.

Engine room operations on board large oceangoing vessels such as the *M/T Clipper Trojan* generate large amounts of waste oil. International and U.S. law prohibit the discharge of waste oil without treatment by an oily-water separator.

Christie credited Special Agents of the United States Coast Guard Investigative Service,

under the direction of Special Agent in Charge Eric J. O'Hearn, and Marine Inspectors and Investigators from the United States Coast Guard Sector New York, under the direction of Captain Robert O'Brien, with the investigation. The Coast Guard's investigation was guided by the Coast Guard Inspections Office of the Prevention Division and the Legal Office of the U.S. First Coast Guard District.

The Government is represented by Assistant U.S. Attorney Bradley A. Harsch of the Criminal Division in Newark and H. Claire Whitney, Senior Counsel of the U.S. Department of Justice Environmental Crimes Section.

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Defense Counsel: Frank P. Arleo, of West Orange, New Jersey